

WP(C) 6987/2004

BEFORE

THE HON'BLE MR. JUSTICE B.P. KATAKEY

None appears for the petitioner.

I have heard Mr. S.M.T. Chisti, learned standing counsel Education Department appearing for the respondent Nos.1 to 3. None appears for the respondent No.4 despite service.

The petitioner by the present petition has challenged the order dated 31.08.2004 passed by the Inspector of Schools, Nagaon District Circle, Nagaon, whereby and whereunder the respondent No.4 has been allowed to hold the current charge of Headmaster for the purpose of maintaining the routine works of the school in addition to his normal duties, describing him as the senior most assistant teacher (Arabic) of Lailuri High School, Nagaon.

According to the petitioner he was initially appointed on 11.03.1986 as assistant teacher of the said school when the same was a Government aided school, pursuant to which he joined his service on 12.03.1986. The services of the teaching staff including the petitioner were stated to be provincialised w.e.f. 19.11.1991. The further case of the petitioner is that the respondent No.4 being the Classical Teacher, his seniority has to be counted w.e.f. 03.08.1990 pursuant to the judgment and order dated 28.07.2004 passed in Writ Appeal No.476/2002 and batch and hence the petitioner is senior to the respondent No.4. Therefore, according to the petitioner he should have been allowed to hold the charge of the Headmaster.

Though the writ petition is pending since 2004 and all the respondents are served, no affidavit-in-opposition has been filed by any of the respondents.

This Court at the time of issuance of notice of motion vide order dated 04.09.2004 has directed the parties to maintain status quo with regard to the arrangement relating to the financial power as on date which order is still continuing.

It appears that the seniority of the teachers of the said school has not been determined so far.

In view of the above, the present petition is disposed of directing the Director of Secondary Education to determine the seniority of the teachers of the aforesaid school, if such determination has not been made and a regularly selected candidate has not already been appointed. In case the regularly selected candidate has not already been appointed, the senior most teachers shall be allowed to hold the charge till the regularly selected candidate is appointed.

The writ petition is accordingly disposed of.